

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

DR. AMY R. WOODS PLAINIFF
VS. CAUSE NO. 3:19-CV-00234-NBB-RP
MHM HEALTH PROFESSIONAL, LLC, D/B/A
CENTURION PROFESSIONALS;
MANAGEMENT & TRAINING CORPORATION;
JESSE WILLIAMS, INDIVIDUALLY; AND
JOHN DOES 1-9 DEFENDANTS

DEPOSITION OF REPRESENTATIVE BILL KINKADE

TAKEN AT THE INSTANCE OF THE PLAINTIFF
VIA ZOOM VIDEOCONFERENCE
ON OCTOBER 7, 2020, BEGINNING AT 2:44 P.M.

GENA MATTISON GLENN, CSR 1568
Glenn-Henry Reporting
Post Office Box 492
Amory, Mississippi 38821-0492
gena.glenn@gmail.com
(662) 315-2613

REPRESENTATIVE BILL KINKADE

10/07/2020

1 (Pages 1 to 4)

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI OXFORD DIVISION</p> <p>DR. AMY R. WOODS PLAINTIFF</p> <p>VS. CAUSE NO. 3:19-CV-00234-NBB-RP</p> <p>MHM HEALTH PROFESSIONAL, LLC, D/B/A CENTURION PROFESSIONALS; MANAGEMENT & TRAINING CORPORATION; JESSE WILLIAMS, INDIVIDUALLY; AND JOHN DOES 1-9 DEFENDANTS</p> <p>*****</p> <p style="text-align: center;">DEPOSITION OF REPRESENTATIVE BILL KINKADE</p> <p>*****</p> <p style="text-align: center;">TAKEN AT THE INSTANCE OF THE PLAINTIFF VIA ZOOM VIDEOCONFERENCE ON OCTOBER 7, 2020, BEGINNING AT 2:44 P.M.</p> <p style="text-align: center;">GENA MATTISON GLENN, CSR 1568 Glenn-Henry Reporting Post Office Box 492 Amory, Mississippi 38821-0492 gena.glenn@gmail.com (662) 315-2613</p>	<p style="text-align: right;">Page 3</p> <p style="text-align: center;">TABLE OF CONTENTS</p> <p>1</p> <p>2</p> <p>3 WITNESS PAGE</p> <p>4 REPRESENTATIVE BILL KINKADE</p> <p>5 Examination by Mr. Jim D. Waide 6</p> <p>6 Examination by Mr. Timothy M. Peebles 15</p> <p>7 Examination by Mr. David Long-Daniels 37</p> <p>8 Examination by Mr. Jim D. Waide 47</p> <p>9</p> <p>10 EXHIBIT</p> <p>11 NO. DESCRIPTION PAGE</p> <p>12</p> <p>13 (No Exhibits)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2 WAIDE & ASSOCIATES</p> <p>3 P.O. Box 1357</p> <p>4 Tupelo, MS 38802-1357</p> <p>5 For the Plaintiff</p> <p>6 BY: JIM D. WAIDE (Via Zoom Videoconference)</p> <p>7 RACHEL P. WAIDE (Via Zoom Videoconference)</p> <p>8</p> <p>9 GREENBERG TRAUIG</p> <p>10 3333 Piedmont Road NE, Suite 2500</p> <p>11 Atlanta, GA 30305-1780</p> <p>12 For the Defendant Centurion</p> <p>13 BY: DAVID LONG-DANIELS (Via Zoom Videoconference)</p> <p>14</p> <p>15 GREENBERG TRAUIG</p> <p>16 300 West 6th Street, Suite 2050</p> <p>17 Austin, TX 78701-4236</p> <p>18 For the Defendant Centurion</p> <p>19 BY: ELIZABETH ROSS HADLEY (Via Zoom Videoconference)</p> <p>20</p> <p>21 DANIEL COKER HORTON & BELL</p> <p>22 P.O. Box 1396</p> <p>23 Oxford, MS 38655-1396</p> <p>24 For the Defendant Management & Training Corporation</p> <p>25 BY: TIMOTHY M. PEEPLES (Via Zoom Videoconference)</p> <p>Reported by: GENA MATTISON GLENN, CSR 1568 GLENN-HENRY REPORTING</p>	<p style="text-align: right;">Page 4</p> <p>1 REPRESENTATIVE BILL KINKADE,</p> <p>2 first being duly sworn, was examined and</p> <p>3 testified as follows, to-wit:</p> <p>4</p> <p>5 EXAMINATION</p> <p>6 BY MR. WAIDE:</p> <p>7 Q. Sir, you are Bill Kinkade?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Where do you live, Representative</p> <p>10 Kinkade?</p> <p>11 A. I am -- my home is [REDACTED]</p> <p>12 in Byhalia.</p> <p>13 Q. In Marshall County?</p> <p>14 A. In Marshall County, yes, sir,</p> <p>15 Mississippi.</p> <p>16 Q. And I believe you're a member of the</p> <p>17 Mississippi legislature?</p> <p>18 A. I am, sir.</p> <p>19 Q. How long --</p> <p>20 A. I'm in my third term with the</p> <p>21 legislature.</p> <p>22 Q. What counties does your district</p> <p>23 encompass?</p> <p>24 A. I represent Marshall and DeSoto</p> <p>25 Counties. The east section of DeSoto, and 70</p>

<p style="text-align: right;">Page 5</p> <p>1 percent of my district is in Marshall County.</p> <p>2 Q. Do you have -- do you work outside of</p> <p>3 your legislative duties? Do you have other</p> <p>4 work?</p> <p>5 A. I do. I'm in my office now in</p> <p>6 Memphis. I have a sports marketing company in</p> <p>7 Memphis and have for the past 40 years.</p> <p>8 Q. At one time, you were chairman of the</p> <p>9 Corrections Committee of the House of</p> <p>10 Representatives; am I correct?</p> <p>11 A. That's correct. That's correct.</p> <p>12 Q. Is the Mississippi legislature the</p> <p>13 entity that funds the Department of Corrections?</p> <p>14 A. Well, the legislature funds the DOC,</p> <p>15 yes, sir.</p> <p>16 Q. Tell me, generally, how many member --</p> <p>17 well, what years were you the -- on the</p> <p>18 Department of Corrections committee in the</p> <p>19 legislature? What years was that?</p> <p>20 A. I was chairman -- I was on -- I've</p> <p>21 been on the committee since 2012 through 2016</p> <p>22 and became chairman '16 to 2020. And I'm</p> <p>23 currently the Chairman of Wildlife Fisheries and</p> <p>24 Parks.</p> <p>25 Q. So you left the corrections committee</p>	<p style="text-align: right;">Page 7</p> <p>1 doctor. And I said, Just look into it, Jerry.</p> <p>2 I want to make sure that we're safe. And he</p> <p>3 said, Well, I'm on it right now, and he'd report</p> <p>4 back to me any -- any investigations that they</p> <p>5 may have had. Which I never heard back from him</p> <p>6 on that particular case.</p> <p>7 Q. All right. Was this a male or a</p> <p>8 female who had expressed this concern to you?</p> <p>9 You said it was a doctor.</p> <p>10 A. It was a male doctor. It was --</p> <p>11 seemed to be a senior male doctor, or it could</p> <p>12 have been a dentist. I'm not -- again, I wish I</p> <p>13 would have been paying attention to that detail.</p> <p>14 Q. Okay.</p> <p>15 A. But it was an older gentleman that</p> <p>16 called me. And, actually, that was the second</p> <p>17 time he had indicated to me he was concerned</p> <p>18 about the safety and the short-staffing. And so</p> <p>19 the first time, I may have just not reacted to</p> <p>20 it. But the second time, I thought it warranted</p> <p>21 somebody from DOC looking into it.</p> <p>22 Q. Were you aware in general, other than</p> <p>23 through this male doctor or dentist, that there</p> <p>24 was a problem with staff shortages at the</p> <p>25 Marshall County correctional facility?</p>
<p style="text-align: right;">Page 6</p> <p>1 in 2020?</p> <p>2 A. Yes, sir. In January I was resigned</p> <p>3 to another chairmanship.</p> <p>4 Q. In 2000 -- specifically in the spring</p> <p>5 of 2019, do you recall anybody complaining to</p> <p>6 you about staff shortages at the correctional</p> <p>7 facility in Marshall County?</p> <p>8 A. In fact, I do. I believe it was a</p> <p>9 Friday on my way home from Jackson, I had a</p> <p>10 physician -- or it might have been a dentist;</p> <p>11 I'm not quite clear on the detail -- but had</p> <p>12 called me and expressed concern that there</p> <p>13 weren't enough guards to staff properly, and</p> <p>14 that -- this is the second time he had let me</p> <p>15 know that.</p> <p>16 But he was very concerned at this</p> <p>17 point saying that, you know, there wasn't enough</p> <p>18 cars in the parking lot. He was aware of -- he</p> <p>19 knew the guards. He knew, you know, what they</p> <p>20 should be -- who should be there, and they were</p> <p>21 not there.</p> <p>22 I subsequently listened to him. I</p> <p>23 called Jerry Williams with DOC, which is my</p> <p>24 point of contact for facilities, and expressed a</p> <p>25 concern had been -- had been given to me by this</p>	<p style="text-align: right;">Page 8</p> <p>1 A. Not any more so than any other</p> <p>2 facility. Certainly we have the same -- as</p> <p>3 chairman, I was aware of staff shortages that</p> <p>4 were going on in various facilities.</p> <p>5 Now, those are DOC facilities. This</p> <p>6 happened to be a private prison, a private</p> <p>7 contract, and that's why it triggered some, you</p> <p>8 know, concern that I needed to investigate that</p> <p>9 since we have a contracted minimum.</p> <p>10 Q. And I don't want you to guess because</p> <p>11 I know you're not a committee party. Do you</p> <p>12 remember the name of the corporation that had</p> <p>13 the contract?</p> <p>14 A. Management Training Corporation, I</p> <p>15 believe.</p> <p>16 Q. And do you remember the name of the</p> <p>17 company that employed the doctors and nurses up</p> <p>18 there to provide medical care? Do you remember</p> <p>19 the name of that company?</p> <p>20 A. I believe it was Centurion.</p> <p>21 Q. So did you say you never did hear back</p> <p>22 from Mr. Williams, from Jerry Williams, after</p> <p>23 you brought that to his attention?</p> <p>24 A. You know, I spoke to Jerry sometime</p> <p>25 afterward, and it could have been three to four</p>

<p style="text-align: right;">Page 9</p> <p>1 weeks later, and asked him if he looked into it. 2 And he said, in fact, he had, and they were 3 trying to audit some staffing situation. 4 It was a short time of that when they 5 had a prison issue in Marshall County that 6 proved to be, in large part, due to short 7 staffed. They had some violence in the 8 facility. And so that initiated another 9 conversation with Jerry as, Hey, this has been a 10 longstanding issue, was this part of that cause. 11 That was -- that was the extent of the 12 conversation with Jerry Williams. 13 Q. All right. And you mentioned a male 14 doctor or dentist. Other than that, do you 15 recall anybody else that worked at the Marshall 16 County correctional facility contacted you to 17 complain about the staff shortage or to bring to 18 your attention the staff shortage? 19 A. No, I didn't have anybody, really, 20 ever talk to me about staff shortages or prison 21 condition. I did have a pastor's wife -- and I 22 didn't -- I never talked to her, but I spoke to 23 the pastor -- that had expressed some concern 24 that his wife had indicated that, you know, it 25 wasn't -- that there was new management, there</p>	<p style="text-align: right;">Page 11</p> <p>1 the facility and happened to see her in there. 2 And we spoke and -- because I was not even aware 3 she worked there. 4 But that's the only time I had ever 5 spoken to her in or about the facility. 6 Q. Did you ever talk to her about the 7 staff shortages at the -- or alleged staff 8 shortages at the facility to Dr. Woods? 9 A. No, sir, not until one point she 10 contacted -- well, it was actually her family 11 contacted me after she was terminated, and they 12 proceeded to chastise me -- or the oper -- the 13 overall situation. And I wasn't aware that she 14 had been let go. But I had talked to her after 15 she was let go, and I was, you know, frankly 16 shocked. 17 Q. Why were you shocked? 18 A. I never spoke -- 19 Q. Why were you shocked she was let go? 20 A. Because as I was -- as it was 21 indicated to me, that there was come conflict 22 that she supposedly had talked to me about the 23 condition of the jail, which never had I even 24 had a conversation with her. And never about 25 the facility until after she was terminated;</p>
<p style="text-align: right;">Page 10</p> <p>1 was a new warden, and things weren't smooth. 2 The transition was difficult. And I believe 3 that that pastor's name was Stephen Bittick. 4 Q. Bittick? 5 A. Uh-huh. And I believe his wife worked 6 at the facility, but I never spoke directly with 7 any of the staff there. 8 Q. Do you know Dr. Amy Woods? 9 A. I do. 10 Q. How do you know her? 11 A. Well, I know her through the Chamber 12 of Commerce, which, you know, I served Chamber 13 of Commerce as president for the last 20 years. 14 I've been involved in the Chamber. And, of 15 course, Amy is -- was a devout church member. 16 She's a neighbor to the Chamber and a very 17 active part of the community. 18 I know her husband rather well. I 19 know Dr. Woods because -- just because she was a 20 doctor. She's well respected. I know a lot of 21 the Woods family. 22 And I happened to visit on an open 23 house at the Marshall County facility. And this 24 was probably in '17, I guess. 2017. Could have 25 been '18, but an open house. And I was touring</p>	<p style="text-align: right;">Page 12</p> <p>1 and, frankly, it shocked me. 2 Q. All right. What was your -- in 3 general, what was your opinion of her character 4 so far as her honesty is concerned? 5 A. She's very stand-up. I mean, she's 6 very forthright. She had no blame for me. She 7 was deeply saddened. She asked me if she had 8 done anything inappropriate where I was 9 concerned, and to my knowledge, no. So, you 10 know, that was my shock, is that she had been 11 terminated based on that premise and which was 12 not so. 13 Q. All right. Did you ever -- did you 14 ever call the warden, Warden Williams, at the -- 15 at Management Training Corporation to ask him 16 about -- about her being terminated? 17 A. Never. 18 Q. You never did talk to Warden Williams? 19 A. Never. 20 Q. Did he ever call you? 21 A. I've never spoken to Warden Williams. 22 Q. So do you know Warden Williams? 23 A. No, sir, I don't. As Chairman of 24 Corrections, my job is to work with the 25 commissioner, and it stops and starts in Central</p>

<p style="text-align: right;">Page 13</p> <p>1 Office, you know. And I don't talk to 2 employees, staff, wardens, guards, security 3 personnel. Just, that's not -- that's not 4 correct protocol. I work with commissioner and 5 the commissioner's staff, which is constituent 6 services. Those are the three people that I 7 worked with. 8 Q. So at no time did you talk with 9 Williams about whether or not Dr. Woods should 10 be reinstated or whether she was -- she 11 wrongfully left her position -- wrongfully lost 12 her position? 13 A. No, sir. 14 Q. You never had a conversation like 15 that? 16 A. No, sir. 17 Q. And what about with anybody from 18 Centurion? Did you talk to anybody from 19 Centurion? 20 A. No, sir. 21 (Video and audio interruption.) 22 There we go. I'm sorry. 23 No. Once again, my job was to work 24 specifically with the Central Office of 25 Department of Corrections and not any contracted</p>	<p style="text-align: right;">Page 15</p> <p>1 And Jerry Williams was my point of contact 2 because he was the director of facilities. And 3 that's his primary responsibility, so, you know, 4 it was between him and I. I never reported any 5 past him. 6 Q. Give me just one second, please, sir. 7 That's all I have. 8 MR. LONG-DANIELS: Tim, have you got 9 anything? 10 MR. PEEPLES: Go ahead, if you've got 11 anything. I'll look through my notes while 12 you're doing that. 13 MR. LONG-DANIELS: I really don't have 14 anything, Tim. 15 MR. PEEPLES: All right. Then I'll 16 proceed. 17 THE WITNESS: And who am I speaking 18 with? 19 20 EXAMINATION 21 BY MR. PEEPLES: 22 Q. Hey, Mr. Kinkade. I'm Tim Peeples. I 23 don't know if you can see me well enough. 24 A. Hey, Tim. How are you? 25 Q. I'm doing well. I'm counsel for</p>
<p style="text-align: right;">Page 14</p> <p>1 personnel. 2 I did speak to Centurion in the 3 capitol when they came in. It was the 4 management team out of their office in Utah, I 5 think. Just -- they were lobbying, I guess, for 6 the contract. Never anything about specifics of 7 any personnel or facility. 8 Q. All right. Did you -- well, I'm not 9 going to put words in your mouth. But when this 10 doctor or dentist, whatever he -- whichever one 11 he was, talked to you about the staff shortages, 12 did you consider that he was doing anything 13 wrong? Did you believe he was doing anything 14 wrong by talking to you? 15 A. No, not at all. I think that -- no, 16 it never occurred to me that he was breaking any 17 kind of rule. He was genuinely concerned with 18 the safety of the facility. And -- and, again, 19 on his second inquiry, I sized up that he was 20 probably correct and then reported that to Jerry 21 Williams. 22 And I will say that Jerry Williams is 23 the only one that I really spoke to about this. 24 I never spoke to the commissioner about it, 25 Pelicia Hall. I never spoke to anybody else.</p>	<p style="text-align: right;">Page 16</p> <p>1 Management & Training Corporation. 2 A. The Oxford office. 3 Q. Yes, sir. I'm down here in Oxford, 4 not too far away from you. 5 A. At the belly of the beast. 6 Q. Yes, that's right. 7 Let's back up. You mentioned that you 8 had spoken to someone in Dr. Woods' family about 9 her being terminated, right? 10 A. I believe it was her -- it was her 11 father-in-law that actually first told me about 12 the situation. 13 Q. Okay. 14 A. About, in his estimation, and 15 paraphrasing it -- again, this was sometime 16 ago -- paraphrasing it, he just said he was very 17 disappointed that they that had decided to let 18 Amy go at Washington County Correctional. And 19 when I inquired why, he said, Well, apparently, 20 she had supposedly talking -- talked to me. 21 And I was very -- I was -- you know -- 22 (Video and audio interruption.) 23 A. I'm sorry. But I believe it was her 24 father-in-law, Pat Woods, was the only one I 25 spoke to.</p>

Page 17

1 BY MR. PEEPLES:

2 Q. Okay. And I guess he called you on
3 the phone?

4 A. No. I think I saw him in town. And,
5 again, I know the Woods family rather well.
6 They have the feed & seed store. Obviously, I'm
7 one of the ole boys that shop at the feed & seed
8 store, so I know Amy's husband, Patrick, pretty
9 well.

10 And, you know, Patrick, he didn't
11 really make much of it, but, you know, just said
12 it was a shame.

13 Q. Okay. What church do you go to?

14 A. Fellowship Baptist.

15 Q. Okay. And you don't -- you don't
16 know --

17 A. What's that got to do with anything?

18 Q. Well --

19 A. I think the Woods family attends the
20 Methodist church, if that's your direction.

21 Q. I'm asking you if you know -- I mean,
22 it could be -- well, we'll move on.

23 Did you know Pastor Bittick before --
24 before all this, where he mentioned to you that
25 there were issues at the facility?

Page 18

1 A. I know Pastor Bittick because we're
2 brothers in the Lion's Club.

3 Q. Okay.

4 A. I know he was very active in the
5 community and the schools. I know he was a --
6 mentored some young people in town. And as the
7 chamber director, we crossed paths several
8 times. So I knew -- I knew Reverend Bittick
9 reasonably well.

10 I only met his wife once or twice and
11 his daughter maybe once or twice at a dinner,
12 but I really never discussed anything with them.

13 Q. Okay. And you didn't discuss anything
14 with Ms. Bittick about her work at the jail
15 facility?

16 A. No. You know, they invited me to come
17 down, I think, and I believe it was Stephen that
18 invited me, actually. And I failed -- I failed
19 to go, but I was invited to, you know, a lunch
20 at the facility when the new warden had taken
21 over. But, again, I never attended that
22 luncheon.

23 Q. Again, who gave you that invitation?

24 A. Well, it was put out by the DOC for my
25 committee members. And then Reverend Bittick is

Page 19

1 the one that called and asked me if I was going
2 to make the luncheon. And, you know, it was
3 just if I could, I could. If not, I couldn't.
4 But I believe it was Stephen that said, Hey, I
5 hear they're having a luncheon; are you going to
6 go.

7 Q. After you talked to, I think it was,
8 Pat Woods -- is that who you said --

9 A. Right.

10 Q. -- Amy's father-in-law?

11 A. Father-in-law.

12 Q. Yes, sir. Did you -- what did you do
13 after you spoke to him?

14 A. Nothing to do.

15 Q. Did you call Jerry Williams?

16 A. I expressed -- I did -- I think I did
17 call Jerry and ask him, you know, why that
18 happened. But, I mean, I don't have much
19 recollection about the conversation. Again,
20 when an employee is terminated, I didn't think
21 it was going to go anywhere else, so I didn't
22 pursue it. But I believe I did speak to Jerry
23 and -- or, I mean, Commissioner Williams and ask
24 him if he knew about it.

25 Q. What did --

Page 20

1 A. I don't really remember the basis of
2 the conversation. I know there was some
3 discussion about it, but it wasn't anything, in
4 my mind, that was vital.

5 Q. So even though -- but you didn't do
6 anything beyond that even though you said you
7 were shocked, right?

8 A. I was just shocked by it.

9 Q. Was Jerry Williams shocked in your
10 opinion?

11 A. Again, it was a telephone call, so, I
12 mean, I really can't read into how Jerry took
13 that. I mean, I just asked if he knew about it,
14 and he said he knew that he was aware that there
15 were some changes in staff. I don't think that
16 he was shocked, no.

17 Q. Okay. Did -- did you ask Jerry or did
18 Jerry express to you his -- his opinion about
19 what had occurred or what was alleged to have
20 occurred?

21 A. No.

22 Q. Did he ever tell you he agreed with
23 the decision to revoke Dr. Woods' clearance?

24 A. Again, I'll tell you, Tim, you know,
25 Dr. Woods didn't work for DOC, and DOC is the

<p style="text-align: right;">Page 21</p> <p>1 only concern that I had, not -- not a 2 contractor. So I didn't see it my place to 3 question what a contractor did. 4 Q. Okay. 5 A. You know, I was just simply inquiring 6 with my -- my point of contact at Central Office 7 to something I had heard. And, again, I didn't 8 pay much attention to it obviously, but I don't 9 think there was a lot of meat in that 10 conversation. 11 Q. Did -- did you -- did Jerry Williams 12 ever express to you that Warden Williams was 13 willing to meet with you and Dr. Woods about the 14 decision to revoke her clearance? 15 A. No. No. 16 Q. If you had of been made aware of -- 17 let's just say, Warden Williams would have met 18 with you and Dr. Woods, is that something you 19 would have done? 20 A. Absolutely not. 21 Q. Why not? 22 A. Again, I start -- I start and stop 23 with the Department of Corrections. I don't -- 24 I don't get into the contractor services or the 25 contractor rules. My service is simply for the</p>	<p style="text-align: right;">Page 23</p> <p>1 Thank you, we appreciate you. And I did that 2 with the warden prior to Mr. Williams. I just 3 never had the opportunity to get with the new 4 warden Williams. 5 Q. Have you ever gone to any of the -- 6 well, there's only -- there's only a couple, but 7 have you gone to any of the facilities run by 8 Management & Training Corporation to sit down 9 with the wardens on-site to discuss operations 10 or staffing or anything like that? 11 A. Never. I met with -- I met with a 12 group out of Tallahatchie County with the 13 commissioner one time. We were looking at 14 trying to contract some overflow from Parchman, 15 but I was with the commissioner just as support. 16 I wasn't -- you know, I never met with any 17 warden. 18 Now, I have met with DOC wardens in 19 the past, those that directly work for our 20 department, but never -- never an outside 21 entity. 22 Q. Okay. 23 A. Again, I think that's a violation, 24 really. I don't think it's protocol to do that. 25 Q. Explain that to me. What do you mean</p>
<p style="text-align: right;">Page 22</p> <p>1 State of Mississippi, to be chairman of the 2 Department of Corrections in the House. So I 3 wouldn't take a meeting outside of that. 4 Q. Okay. When you called Jerry Williams, 5 did you consider yourself to be simply asking a 6 question, or were you advocating in any way for 7 Dr. Woods? 8 A. Just inquiring. 9 Q. Okay. And you -- and you -- I guess 10 to be clear, you've never spoken to the warden 11 about anything? You've never spoken to him at 12 all? 13 A. I don't think I've spoken to him at 14 all. 15 Q. Okay. Have you spoken to wardens in 16 any of the other facilities that are run by 17 Management & Training Corporation? 18 A. Certainly. 19 Q. And what about? 20 A. What about? 21 Q. Yes. 22 A. Oh, you know, at our DOC luncheons, 23 employee luncheons, wardens would come and I'd 24 speak to them, you know, in a luncheon format. 25 I mean, not about anything specific other than,</p>	<p style="text-align: right;">Page 24</p> <p>1 by that? 2 A. Well, I just think anytime you go out 3 of your area of jurisdiction, you're breaking a 4 certain protocol. And, you know, I work with 5 DOC, and that is where it start and stops. I 6 don't -- I don't work with any other entities. 7 Not the health-care contractors, not the 8 maintenance contractors, not the -- you know, no 9 other contractor I would have any business to 10 meet with. It would be to work through Central 11 Office, which I made it a policy to do. 12 Q. That's really, sort of, your chain of 13 command in a way? 14 A. That's the way it should be. 15 Q. Yeah. The dentist that you mentioned, 16 or possibly doctor, the older gentleman, was 17 that -- to your understanding, was that just a 18 private physician, or was that person employed 19 by Centurion or MTC? 20 A. Well, I didn't know him at all. He 21 called me on my cell phone en route when I was 22 coming home one day, and this is the second time 23 he had done it. Prior to that, he left me a 24 voicemail. But -- on the first occasion. On 25 the second occasion, he did get me on the phone</p>

1 and told me that he was a physician or a
2 dentist, or whatever he was, and that I should
3 be very concerned about the staffing situation.
4 He was -- he was concerned for some of the staff
5 and some of the inmates. And, you know, he just
6 wanted to make sure that it was reported to the
7 proper people.

8 So, you know, I didn't really say much
9 to him other than, Thank you for letting me
10 know, and I called Jerry Williams immediately on
11 that same trip home and communicated the
12 information. But that's really the only
13 conversation I ever had about this, is from him,
14 with Jerry, on one occasion.

15 Q. And then you had -- and then Jerry, I
16 think you said he followed up with you a couple
17 of weeks later?

18 A. I think I asked Jerry a couple of
19 weeks later if he ever heard anything -- did he
20 hear that an employee had been terminated. And,
21 you know, again, I don't think there was a whole
22 lot of response there. I didn't hear any
23 concern.

24 Q. In your role on this corrections
25 committee, you know, are you familiar with how

1 really dissect how a private corporation runs
2 their prison.

3 Q. Well --

4 A. Especially when I didn't visit many.

5 Q. Okay. But would you agree with the
6 general principal that -- let's take Parchman,
7 right? It's an MDOC --

8 A. Feel free to. Feel free to.

9 Q. Yeah. You can't -- you can't give
10 that away.

11 A. Right.

12 Q. But you would agree with me that,
13 first of all, inmates are entitled to health
14 care, right?

15 A. Absolutely.

16 Q. But that has to be done in a safe
17 manner, correct?

18 A. Correct.

19 Q. That's for the safety of the guards;
20 it's for the safety of other inmates; it's for
21 the safety of the health-care providers, and
22 even the inmate himself?

23 A. The only way to document it is through
24 systematic application, exactly.

25 Q. And that also applies, maybe even more

1 jail facilities are run?

2 A. Rephrase.

3 Q. Do you -- I mean, you're -- are you
4 familiar with, sort of, the operations of
5 correctional facilities through your involvement
6 on this committee?

7 A. Most definitely.

8 Q. Okay. I would assume you were. I
9 mean, sometimes lawyers ask questions of
10 witnesses --

11 A. Right. I understand. Yes, sir, very
12 much. When I'm chairman of corrections, I
13 thrust myself into that position to learn every
14 detail about how to -- how to make sure that the
15 funding was there and that I did everything that
16 I needed to do to support that.

17 Q. Okay.

18 A. So, yes, I did know. I did understand
19 operations.

20 Q. And would that have included
21 operations -- or, I guess, it would also include
22 -- part of that is providing care within the
23 facility to inmates, right?

24 A. Only in DOC facilities. Once the
25 they're contracted, no, I didn't -- I didn't

1 so, when an inmate is taken outside the facility
2 for health care. Would you agree with that?

3 A. That there's a greater deal of
4 concern?

5 Q. Well, they're at least equal if not
6 greater concern.

7 A. There is a heightened awareness of
8 security when an inmate leaves the facility to
9 go to any health care, certainly.

10 Q. Okay. They don't allow inmates at
11 Parchman to just go down the street in Ruleville
12 to the doctor, do they, on their own?

13 A. Not on their own.

14 Q. Right. Okay. Did you -- did you do
15 anything before today to get ready for your
16 deposition? Look at any documents?

17 A. I looked at this calendar about 20
18 minutes after 2:00 and thought, uh-oh, I don't
19 see the Zoom. So I'm not -- I don't know.
20 Generally -- generally, no, sir, I haven't read
21 anything. I don't -- I almost forgot, frankly.

22 Q. Okay. Did you -- did you meet either
23 by phone or in person with Mr. Waide or Rachel
24 Waide before today?

25 A. I had a phone call from Mr. Waide

Page 29

1 about three weeks ago to set up a deposition
2 date. That's the only conversation we really
3 had.

4 Q. Did he ask you -- did he or anyone
5 from his staff or his office ask you the same
6 kind of questions he asked you earlier on that
7 phone call?

8 A. No, sir.

9 Q. Have you talked to anybody else about
10 this lawsuit?

11 A. I may have told my daughter three
12 weeks ago when I was you called -- contacted to
13 give a deposition. I think my daughter came
14 over for a glass of wine, and I may have
15 mentioned it. I don't know how harmful that is,
16 but she's -- she's fairly trustworthy.

17 Q. All right.

18 A. I'd vouch for her, anyway.

19 Q. There you go. And there's nobody else
20 that has any affiliation with that facility that
21 you've spoken to about specifically staff
22 shortages that you haven't covered?

23 A. No. No. Again, I stated as well as I
24 could is that I don't go outside of protocol to
25 discuss operational things with anybody other

Page 30

1 than the agency responsible. It wouldn't be
2 appropriate.

3 Q. Okay. Do you have an understanding of
4 what Ms. Bittick's job is at the facility?

5 A. I have no idea.

6 Q. Okay. When you talked to Pastor
7 Bittick, you didn't get -- did you get the
8 impression that she worked in medical or worked
9 in corrections or one way or the other?

10 A. You know, that would have been a great
11 question for me to ask, and I guess, Tim, you're
12 now exposing the fact that I really wasn't
13 overly concerned. But I knew that Pastor
14 Bittick's wife worked at the facility, and
15 that's the extent of it. I don't know what
16 capacity.

17 Q. Okay. And --

18 A. I'm kind of ashamed of that
19 personally, but that's frankly where I'm at.

20 Q. All right. And then I didn't take
21 good notes, but what -- do you remember, as best
22 you can, what was the concern or what was the
23 issue that the pastor mentioned to you?

24 A. I mean, he called me. He asked me
25 several things about the facility. One is that

Page 31

1 he was involved with prison ministry, and that
2 he wanted to try to get some other people
3 qualified to have other ministry to support it.
4 I know we had a conversation regarding that,
5 Kairos. Are you familiar with Kairos?

6 Q. No.

7 A. Well, Kairos is a ministry, prison
8 ministry.

9 Q. Okay.

10 A. And all of our faith-based
11 institutions, we try to participate in the
12 Kairos programs. So I think he asked me about
13 what the protocol was to get somebody qualified.
14 That was a conversation.

15 We had a conversation about how great
16 he thought that the Ole Miss instructors were
17 providing service down there. We have some
18 professors in the facility teaching. I mean,
19 there's a myriad of things we probably talked
20 about that really were of no -- nothing, you
21 know, degrading or nothing that negative.

22 I mean, obviously, prison is a dark
23 place, Tim. You understand that, right?

24 Q. Yeah.

25 A. There's not a lot of great things to

Page 32

1 say about it.

2 Q. Okay.

3 A. And, really, I don't recall any
4 (inaudible) at all that he said. I think he
5 said -- he asked me about if I was going to go
6 to the luncheon one time, but, again, these are
7 just passing conversations at the Piggly Wiggly.
8 I mean, they're not meetings.

9 Q. Yeah. And that's more what I'm
10 getting at. Did he ever say, My wife has said
11 there's not enough staff? My wife has
12 complained about A, B, and C? That's more of
13 what I'm getting at. Did he ever -- was there a
14 discussion along those lines?

15 A. You know, I can't -- I can't verify
16 that he did or he didn't. Again, I didn't pay
17 it that much attention. And he may have said
18 something to that effect, but I can't make a
19 statement about that.

20 Q. Do you recall talking to Jerry
21 Williams at all about anything the pastor may
22 have said to you?

23 A. No, not that pastor. The only time I
24 really talked to Jerry was -- over this
25 situation was the fact that this medical

<p style="text-align: right;">Page 33</p> <p>1 professional, whoever it was, had indicated that</p> <p>2 he had a genuine concern, and that this was the</p> <p>3 second time he had called to let me know that.</p> <p>4 And I just thought it was incumbent for me to</p> <p>5 report that to the facility manager, Jerry</p> <p>6 Williams.</p> <p>7 Q. And to be clear, that's the only --</p> <p>8 the dentist is the only person, whatever he is,</p> <p>9 doctor, whatever, that stands out in your mind</p> <p>10 that called you --</p> <p>11 A. That's the only --</p> <p>12 Q. -- (inaudible) --</p> <p>13 A. That's the only thing that stands out</p> <p>14 in my mind that I had a concern about.</p> <p>15 The only other time that it has come</p> <p>16 to my mind, and nobody complained, but that's</p> <p>17 when I -- you know, Channel 5 is showing a fire</p> <p>18 in my prison and a guard getting beat, and we've</p> <p>19 all seen that. And that was in the Marshall</p> <p>20 County facility, and that was subsequently</p> <p>21 probably three months after this happened.</p> <p>22 So, you know, that -- that kind of</p> <p>23 validated the point to me. I didn't have that</p> <p>24 discussion with anybody, but certainly that --</p> <p>25 you know, that was pretty relevant, don't you</p>	<p style="text-align: right;">Page 35</p> <p>1 BY MR. PEEPLES:</p> <p>2 Q. Well, you're the chairman of the</p> <p>3 corrections committee for the Mississippi</p> <p>4 legislature, and you're familiar with the fact</p> <p>5 that there is -- there have been staff shortages</p> <p>6 in, frankly, all the jails in Mississippi?</p> <p>7 A. There's a lot of improvement that</p> <p>8 could be made in the Department of Corrections,</p> <p>9 as well as a lot of other agencies we've had</p> <p>10 problems with.</p> <p>11 Specifically our staffing -- our</p> <p>12 hiring rate has not been equitable for our</p> <p>13 neighboring states. Same as teachers, same as</p> <p>14 health-care professionals. It's just, you know,</p> <p>15 in the Department of Corrections, it was a</p> <p>16 concern.</p> <p>17 Q. Sure.</p> <p>18 A. And my job was to go get</p> <p>19 appropriation. That was my job.</p> <p>20 Q. Right. And you had mentioned -- I</p> <p>21 mean, there is a requirement of -- a staffing</p> <p>22 level requirement in the MTC-run facilities,</p> <p>23 right?</p> <p>24 A. There is a contractual staffing</p> <p>25 minimum, yes.</p>
<p style="text-align: right;">Page 34</p> <p>1 think?</p> <p>2 Q. Would you --</p> <p>3 A. I'm not -- I tell you, I just -- as</p> <p>4 chairman of corrections, I thought it was very</p> <p>5 relevant.</p> <p>6 Q. Sure. I'm sure. When you said it's</p> <p>7 not uncommon, I mean, all -- there's an issue</p> <p>8 throughout this state, frankly across the</p> <p>9 country, with getting qualified individuals who</p> <p>10 are willing to work for the wages that are paid</p> <p>11 in these jails, right? Would you agree with</p> <p>12 that?</p> <p>13 A. I would.</p> <p>14 MR. WAIDE: Excuse me. Excuse me.</p> <p>15 Object. I don't think that's an</p> <p>16 appropriate question.</p> <p>17 MR. PEEPLES: Okay.</p> <p>18 MR. WAIDE: It has nothing to do with</p> <p>19 this case.</p> <p>20 MR. PEEPLES: All right. Well, you</p> <p>21 keep talking about staff shortages, so I'm</p> <p>22 going to ask him about it.</p> <p>23 A. Well, I'm not a DOJ professional, so</p> <p>24 maybe that's where you need to go with that</p> <p>25 conversation.</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Yeah. And MTC -- MTC still has a</p> <p>2 contract to run the Marshall County facility,</p> <p>3 correct?</p> <p>4 A. I'm no longer chairman, Tim. You'll</p> <p>5 have to direct that --</p> <p>6 Q. Okay.</p> <p>7 A. -- to Counselor Kevin Horan and ask</p> <p>8 him that.</p> <p>9 Q. All right. As of -- as of the time</p> <p>10 you left that committee, you understood MTC was</p> <p>11 still running the Holly Springs facility, right,</p> <p>12 Marshall County --</p> <p>13 A. I did.</p> <p>14 Q. -- facility?</p> <p>15 A. I did.</p> <p>16 Q. All right. I don't have anything</p> <p>17 else. Thank you. Thank you, Mr. Kinkade.</p> <p>18 A. Thank you, Tim.</p> <p>19 MR. LONG-DANIELS: And I'll follow up</p> <p>20 just a little bit.</p> <p>21 THE WITNESS: (Inaudible) I'd be glad</p> <p>22 to.</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 37</p> <p>1 EXAMINATION</p> <p>2 BY MR. LONG-DANIELS:</p> <p>3 Q. Well, first, let me introduce myself.</p> <p>4 I'm David Long-Daniels, and I represent</p> <p>5 Centurion.</p> <p>6 And I looked at your resume. Did you</p> <p>7 go -- did you grow up in Orange County --</p> <p>8 A. I did.</p> <p>9 Q. -- California?</p> <p>10 A. I did.</p> <p>11 Q. Wow.</p> <p>12 A. I graduated from Orange High School in</p> <p>13 1975.</p> <p>14 Q. Fantastic. You have been on the</p> <p>15 committee -- chair of committee for the</p> <p>16 Department of Corrections for the state</p> <p>17 legislature, right?</p> <p>18 A. Yes, sir, in the House.</p> <p>19 Q. In the House. And thank you for that.</p> <p>20 During the deposition, we mentioned two names.</p> <p>21 You mentioned Jerry. Jerry refers to whom?</p> <p>22 A. Jerry Williams was the deputy</p> <p>23 commissioner, and he was in charge of</p> <p>24 facilities.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 39</p> <p>1 commissioner.</p> <p>2 Q. Okay. You don't think it's</p> <p>3 appropriate for you to interfere or be involved</p> <p>4 in employee issues at a local prison, correct?</p> <p>5 A. That's right.</p> <p>6 Q. That's outside of your purview?</p> <p>7 A. That's -- that's something I just</p> <p>8 won't do.</p> <p>9 Q. Okay. And you won't do it for a</p> <p>10 reason, right?</p> <p>11 A. Right.</p> <p>12 Q. It's good for the order and discipline</p> <p>13 of the prison that everybody follow the chain of</p> <p>14 command, right?</p> <p>15 A. Well, I've never spent a lot of time</p> <p>16 in prison, David.</p> <p>17 Q. And I don't mean to imply that you</p> <p>18 have.</p> <p>19 A. I can tell you, from a legislative</p> <p>20 standpoint, that it's necessary to keep clean</p> <p>21 lines of communication between the leadership</p> <p>22 and the legislature.</p> <p>23 Q. Yes, sir.</p> <p>24 A. And any violation of that clouds the</p> <p>25 water.</p>
<p style="text-align: right;">Page 38</p> <p>1 A. There's two people I worked with at</p> <p>2 DOC, Jerry Williams and Kevin -- Lord, have</p> <p>3 mercy, I drew a blank. Facilitation services.</p> <p>4 Q. Okay. Now --</p> <p>5 A. Kevin -- excuse me, Kevin Jackson.</p> <p>6 Those are the two people I spoke to.</p> <p>7 Q. Okay. Now, there's a warden named</p> <p>8 Jesse Williams. You never spoke with Jesse</p> <p>9 Williams, did you?</p> <p>10 A. No, sir.</p> <p>11 Q. Okay. You mentioned during the course</p> <p>12 of our discussion that there's important</p> <p>13 protocols that have to be followed.</p> <p>14 A. Well, they're self-imposed. They're</p> <p>15 just things that I find that are necessary to</p> <p>16 run a smooth operation, and that's follow a</p> <p>17 certain specific chain.</p> <p>18 Q. Right. And you think it's important,</p> <p>19 at least with respect to your duties, to follow</p> <p>20 that chain, right?</p> <p>21 A. Uh-huh.</p> <p>22 Q. If you've got a problem, you're going</p> <p>23 to go to deputy commissioner, not down to the</p> <p>24 warden level, are you?</p> <p>25 A. Absolutely. I went to the deputy</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. It clouds the water and can interfere</p> <p>2 with the chain of command, right?</p> <p>3 A. Those are your words.</p> <p>4 Q. Okay. You do agree that prisons are</p> <p>5 dangerous places?</p> <p>6 A. Can be.</p> <p>7 Q. If you had an inmate that's murdered</p> <p>8 somebody, you want to make sure he stays in</p> <p>9 prison and not out of prison, right?</p> <p>10 A. That's right.</p> <p>11 Q. And you want to make sure that the</p> <p>12 safety of the people who work there, as well as</p> <p>13 the other prisoners, are paramount, right?</p> <p>14 A. Right.</p> <p>15 Q. That's important from a public concern</p> <p>16 standpoint, right?</p> <p>17 A. That's a point for a public safety</p> <p>18 concern. Primarily public safety.</p> <p>19 Q. You don't want a prisoner going out to</p> <p>20 a hospital late at night without a sufficient</p> <p>21 number of guards to ensure the public safety,</p> <p>22 right?</p> <p>23 A. David, are we on a different -- are we</p> <p>24 on a different subject?</p> <p>25 Q. No, we're just on a good subject. I</p>

<p style="text-align: right;">Page 41</p> <p>1 just --</p> <p>2 A. Now we're getting inmates visiting --</p> <p>3 visiting doctors in the middle of the night.</p> <p>4 Q. Not doctors.</p> <p>5 A. To your point, if they're -- you know,</p> <p>6 regardless day or night, if an inmate needs</p> <p>7 medical attention, MDOC's job is to provide</p> <p>8 that.</p> <p>9 Q. Yes, sir.</p> <p>10 A. And whatever and however that needs to</p> <p>11 happen, we make sure it's secure where we do it.</p> <p>12 Q. And that's my point. It has to be</p> <p>13 done in a secure way, right?</p> <p>14 A. That's right.</p> <p>15 Q. You don't -- whether it's day or</p> <p>16 night, you don't want to have an inmate that may</p> <p>17 have raped or killed somebody going to visit a</p> <p>18 hospital without enough guards to ensure the</p> <p>19 public safety, right?</p> <p>20 A. David, I'm not going to comment on</p> <p>21 your direction. I mean, let's -- I mean, again,</p> <p>22 you're talking about the what-if scenarios of</p> <p>23 the world, and I don't want to get into</p> <p>24 what-ifs. Let's talk about specifics.</p> <p>25 Q. All right. Well, my specific is that</p>	<p style="text-align: right;">Page 43</p> <p>1 of command, things get a little gray, a little</p> <p>2 fuzzy, don't they?</p> <p>3 A. Again --</p> <p>4 MR. WAIDE: Object to the form of the</p> <p>5 question.</p> <p>6 A. -- you're going down a rabbit hole</p> <p>7 here. I don't know where you're going with it.</p> <p>8 BY MR. LONG-DANIELS:</p> <p>9 Q. Well, just -- just follow me a little</p> <p>10 bit. I'm not going to go very long.</p> <p>11 A. I know we're not.</p> <p>12 Q. But I want to make sure that you and I</p> <p>13 agree that the chain of command is important.</p> <p>14 A. Absolutely.</p> <p>15 Q. All right. Now --</p> <p>16 A. E-4, by the way. I don't know if you</p> <p>17 were a lieutenant or not, but I'm E-4.</p> <p>18 Q. I was a lowly captain and got out</p> <p>19 before I got too badly hurt.</p> <p>20 A. We probably made jokes some about</p> <p>21 that. Not in the chain -- not outside the chain</p> <p>22 of command, that is.</p> <p>23 Q. That's right. That's right. You</p> <p>24 mentioned earlier that Ms. Waide -- Ms. Woods</p> <p>25 had been terminated, right?</p>
<p style="text-align: right;">Page 42</p> <p>1 the warden is in charge of the prison and to --</p> <p>2 and his job is to ensure the safety of the</p> <p>3 prison, inmates, and the people working there,</p> <p>4 right?</p> <p>5 A. Chief administrator, yes, sir.</p> <p>6 Q. And the warden is cloaked with</p> <p>7 authority to do that, isn't he?</p> <p>8 A. That's in his -- that's in his</p> <p>9 purview, I would imagine, yes.</p> <p>10 Q. All right. Have you ever served in</p> <p>11 the military?</p> <p>12 A. I have.</p> <p>13 Q. What branch did you serve?</p> <p>14 A. Air Force.</p> <p>15 Q. So did I.</p> <p>16 A. Absolutely.</p> <p>17 Q. You understand the chain of command,</p> <p>18 don't you?</p> <p>19 A. Which is why I'm probably as rigid</p> <p>20 about that as I am.</p> <p>21 Q. That's probably me too. But you</p> <p>22 understand the chain of command and how</p> <p>23 important it is, right?</p> <p>24 A. Yes, I do.</p> <p>25 Q. And if people don't follow the chain</p>	<p style="text-align: right;">Page 44</p> <p>1 A. I was report -- it was reported to me</p> <p>2 after the fact that she had been terminated.</p> <p>3 Q. All right. And did they tell you who</p> <p>4 -- whether it was related to her -- her security</p> <p>5 clearance at the prison?</p> <p>6 A. No, sir.</p> <p>7 Q. You agree that in order to work at a</p> <p>8 prison, you have to have proper security</p> <p>9 clearance, right?</p> <p>10 A. Yes, I would -- yes, I would agree</p> <p>11 with that.</p> <p>12 Q. And if a person doesn't have a</p> <p>13 security clearance, it's not a whole lot they</p> <p>14 can do working there at the prison, is it?</p> <p>15 A. Again, I don't want to speculate on</p> <p>16 what it takes to cut grass in prison, but, you</p> <p>17 know.</p> <p>18 Q. But you want everybody there to be --</p> <p>19 properly pass security, right?</p> <p>20 A. Right.</p> <p>21 Q. That's important for the good order of</p> <p>22 the prison and the good order of the community,</p> <p>23 right?</p> <p>24 A. Right.</p> <p>25 Q. And you don't know -- I think by your</p>

<p style="text-align: right;">Page 45</p> <p>1 testimony, you don't know whether Ms. Woods'</p> <p>2 security clearance had been revoked?</p> <p>3 A. That never was reported to me in any</p> <p>4 -- in any regard.</p> <p>5 Q. Okay.</p> <p>6 A. It was reported to me that she was</p> <p>7 terminated because she knew -- supposedly</p> <p>8 somebody said she knew me, and that's what was</p> <p>9 shocking to me.</p> <p>10 Q. Nobody ever reported to you that her</p> <p>11 security clearance had been revoked --</p> <p>12 A. No.</p> <p>13 Q. -- by the prison?</p> <p>14 A. No.</p> <p>15 Q. You wouldn't have got yourself</p> <p>16 involved in a security clearance matter for a</p> <p>17 warden of a private prison, would you?</p> <p>18 MR. WAIDE: Object to the form of the</p> <p>19 question.</p> <p>20 A. I don't get myself involved with</p> <p>21 specifics in prison at all.</p> <p>22 BY MR. LONG-DANIELS:</p> <p>23 Q. Okay. And as you sit here today,</p> <p>24 without that knowledge, you really can't</p> <p>25 criticize her termination, can you?</p>	<p style="text-align: right;">Page 47</p> <p>1 As you sit here today --</p> <p>2 A. (Inaudible.)</p> <p>3 THE REPORTER: -- without that</p> <p>4 knowledge, you can't really criticize her</p> <p>5 termination, can you?</p> <p>6 A. I don't have an opinion one way or the</p> <p>7 other. I mean --</p> <p>8 BY MR. LONG-DANIELS:</p> <p>9 Q. All right.</p> <p>10 A. -- you know, again, my report -- my</p> <p>11 reporting has to do with Central Office. And</p> <p>12 what a contractor chooses to do, they choose to</p> <p>13 do.</p> <p>14 Now, on the grounds they did it, I --</p> <p>15 I don't have an opinion about it. I just know</p> <p>16 what's real and what's not real.</p> <p>17 Q. That's all I've got.</p> <p>18 MR. WAIDE: All right. I've got a few</p> <p>19 follow-up questions.</p> <p>20</p> <p>21 FURTHER EXAMINATION</p> <p>22 BY MR. WAIDE:</p> <p>23 Q. You were asked a whole bunch of</p> <p>24 questions, hypothetical questions, about the</p> <p>25 chain of command by both attorneys, basically,</p>
<p style="text-align: right;">Page 46</p> <p>1 A. I don't have any --</p> <p>2 MR. WAIDE: Object to the form of the</p> <p>3 question.</p> <p>4 A. -- (inaudible).</p> <p>5 MR. LONG-DANIELS: You've got to let</p> <p>6 him answer, Mr. Waide.</p> <p>7 BY MR. LONG-DANIELS:</p> <p>8 Q. What were you about to say?</p> <p>9 MR. WAIDE: I'm not -- I'm just</p> <p>10 objecting to the form here. You have to go</p> <p>11 ahead and answer the question. I don't</p> <p>12 think any of these questions have anything</p> <p>13 to do with this case, but you can --</p> <p>14 A. What is your question?</p> <p>15 MR. WAIDE: But, regardless --</p> <p>16 regardless, if he asks, you've got to</p> <p>17 answer under the rules. I'm sorry, but I</p> <p>18 didn't make the rules.</p> <p>19 A. Counselor, ask your question.</p> <p>20 BY MR. LONG-DANIELS:</p> <p>21 Q. He's got me confused now.</p> <p>22 MR. LONG-DANIELS: Can you read my</p> <p>23 question back? Mr. Waide has a tendency to</p> <p>24 do that.</p> <p>25 THE REPORTER: Hold on one second.</p>	<p style="text-align: right;">Page 48</p> <p>1 correct?</p> <p>2 A. Yes, sir.</p> <p>3 Q. All right. When this either doctor or</p> <p>4 dentist talked to you, did you ever tell him you</p> <p>5 thought he was violating the chain of command by</p> <p>6 bringing to your attention alleged staff</p> <p>7 shortages? Did you tell him that?</p> <p>8 A. No, sir, I did not.</p> <p>9 Q. Did you think he was violating the</p> <p>10 chain of command by telling you about those --</p> <p>11 A. At that point, I sensed a genuine need</p> <p>12 of urgency in his voice and a genuine concern,</p> <p>13 and I responded to that. So, no, I didn't</p> <p>14 second guess what anybody else would think. I</p> <p>15 simply took that information and reported it</p> <p>16 where I felt like it should be reported.</p> <p>17 Q. Do you agree or disagree that it's a</p> <p>18 matter of genuine public concern, if there is a</p> <p>19 staff shortage of guards to make prisons safe</p> <p>20 for both -- both for the people that work there</p> <p>21 and for the inmates, do you agree that's a</p> <p>22 matter of genuine public concern?</p> <p>23 A. It's paramount. It's the most</p> <p>24 important thing.</p> <p>25 Q. Was that of concern to you as a</p>

<p style="text-align: right;">Page 49</p> <p>1 legislator? Was that of concern to you as a</p> <p>2 legislator?</p> <p>3 A. That concerned me as a legislator and</p> <p>4 it also concerned me as a citizen with this --</p> <p>5 with a prison in my -- in my county.</p> <p>6 Q. Is that -- is that the reason why you</p> <p>7 called the Deputy Commissioner Williams to tell</p> <p>8 him about it or express that concern?</p> <p>9 A. I heard -- I heard a genuine sense of</p> <p>10 urgency and concern from this individual. And,</p> <p>11 again, he had left a message prior to that and I</p> <p>12 didn't respond to it. But I heard -- when I</p> <p>13 spoke to him, I heard a genuine sense that he</p> <p>14 was concerned about the overall safety of the</p> <p>15 prison, the guards, the staff, the inmates, and</p> <p>16 that I needed to look into it. And so I simply</p> <p>17 reported that to the appropriate source.</p> <p>18 Q. Okay. Did you -- you mentioned in</p> <p>19 your direct, and I'm not sure that I followed</p> <p>20 exactly how this came about. Did he make a</p> <p>21 comment to you about having driven through the</p> <p>22 facility and seeing the number of cars that --</p> <p>23 indicating the number of people working there at</p> <p>24 night, or --</p> <p>25 A. Yeah, there was a comment from him</p>	<p style="text-align: right;">Page 51</p> <p>1 MR. LONG-DANIELS: Thank you so much,</p> <p>2 Representative Kinkade. Good to meet a</p> <p>3 fellow soldier.</p> <p>4 (Deposition concluded at 3:33 p.m.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 50</p> <p>1 that I expressed to Jerry that -- that normally</p> <p>2 he saw a certain number of staff cars in the lot</p> <p>3 and that it was noticeably different on that day</p> <p>4 he reported it.</p> <p>5 And so when he said that he expressed</p> <p>6 concern for the staff shortage, he said he could</p> <p>7 validate it for the lack of cars that were in</p> <p>8 the parking lot.</p> <p>9 Q. And so when you -- when you went to</p> <p>10 the deputy commissioner to make -- to pass along</p> <p>11 to him what -- the information you had received,</p> <p>12 why did you do that? Why did you go to the</p> <p>13 deputy commissioner to tell him that?</p> <p>14 A. Because that's where -- he's in charge</p> <p>15 of facilities. That's his bottom line</p> <p>16 responsibility. He's the one that manages the</p> <p>17 contractors. He's the one that manages the</p> <p>18 facilities. He's the one that assigns MDOC</p> <p>19 inmates. So he is the bottom line decision</p> <p>20 maker, so I thought he was the appropriate</p> <p>21 source.</p> <p>22 Q. All right. That's all I have.</p> <p>23 MR. WAIDE: Does anybody else have</p> <p>24 follow-up after that?</p> <p>25 MR. PEEPLES: No.</p>	<p style="text-align: right;">Page 52</p> <p>1 CERTIFICATE</p> <p>2 STATE OF MISSISSIPPI)</p> <p>3 COUNTY OF MONROE)</p> <p>4 RE: DEPOSITION OF REPRESENTATIVE BILL KINKADE</p> <p>5 I, Gena Mattison Glenn, CSR 1568, a</p> <p>6 Notary Public within and for the aforesaid</p> <p>7 county and state, duly commissioned and acting,</p> <p>8 hereby certify that the foregoing proceedings</p> <p>9 were taken before me at the time and place set</p> <p>10 forth above; that the statements were written by</p> <p>11 me in machine shorthand; that the statements</p> <p>12 were thereafter transcribed by me, or under my</p> <p>13 direct supervision, by means of computer-aided</p> <p>14 transcription, constituting a true and correct</p> <p>15 transcription of the proceedings; and that the</p> <p>16 witness was by me duly sworn to testify to the</p> <p>17 truth and nothing but the truth in this cause.</p> <p>18 I further certify that I am not a</p> <p>19 relative or employee of any of the parties, or</p> <p>20 of counsel, nor am I financially or otherwise</p> <p>21 interested in the outcome of this action.</p> <p>22 Witness my hand and seal on this 19th day</p> <p>23 of October, 2020.</p> <p>24</p> <p>25 My Commission Expires: CSR 1568 July 19, 2023 Notary Public</p>